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SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2011 JAN -4 AM 10:35 ✓

CLERK

BY: A CASCIO

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 IN AND FOR THE COUNTY OF YAVAPAI

10 STATE OF ARIZONA,

11 Plaintiff,

12 vs.

13 STEVEN CARROLL DEMOCKER,

14 Defendant.

CAUSE NO. P1300CR20101325

MOTION TO STRIKE PLEADING

Div. 5

Honorable Cele Hancock

16 The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and  
17 her deputy undersigned, hereby moves for an Order to Strike the "Motion to Remove Attorney"  
18 filed by William E. Williams, because he lacks the standing to bring such a motion to remove an  
19 attorney in a criminal case, and because the other relief he asks for is already at issue before the  
20 court.

22 On approximately October 29, 2010, the Court has granted standing to Mr. Williams  
23 based on his claim as a journalist for the limited purpose of challenging the sealing of certain  
24 records by the court in case number CR20101339. See, Press-Enterprise Co. v. Superior Court,  
25 464 U.S. 501 (1984); Phoenix Newspapers, Inc. v. Superior Court, 140 Ariz. 30, 680 P.2d 166  
26 (App. 1983). However, in his "Motion to Remove Attorney" Mr. Williams targets former

1 DeMocker attorney John Sears, and asks the court to "censure and censor John Sears", "[b]ar  
2 John Sears from court proceedings", "[f]ine John Sears for any ethical or code violations in rules  
3 of Procedure or Bar Association rules." None of these requests have anything to do with  
4 challenging orders of this court sealing the record in case number CR20101339.

5 The parties in felony criminal proceedings are the state, represented by the County  
6 Attorney (A.R.S. §11-532(A)(1)), and the defendant. News organizations are granted a limited  
7 right to intervene to challenge an order that would violate constitutional provisions mandating a  
8 free press and a public trial only. See, Press-Enterprise Co. v. Superior Court, 464 U.S. 501  
9 (1984). To allow Mr. Williams standing to move the court to sanction an attorney participating in  
10 a criminal case would allow anyone to become a party in a criminal case, to file motions  
11 challenging the actions of the court and the attorneys. The result would be absolute chaos in the  
12 criminal justice system. It should not be allowed.

13 Mr. Williams last request is that the court "[i]mmediately unseal the motions and  
14 responses of the attorneys regarding the withdrawal from the case." But Mr. Williams has  
15 already requested this relief, in a pleading filed on October 7, 2010 that requests that all records in  
16 this file be released. This issue is scheduled to argued on January 24, 2010. In short, this current  
17 motion asks for relief Mr. Williams has already asked for, or for relief that he has not standing to  
18 ask for. Since this motion has no meaning or purposes, it is frivolous and should be stricken as  
19 such.  
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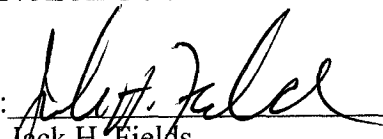
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1 WHEREFORE, the Yavapai County Attorney prays that this Court strike Mr. William's  
2 Motion to Remove Attorney.

3 RESPECTFULLY SUBMITTED this 3 day of January, 2011.

4 Sheila Polk  
5 YAVAPAI COUNTY ATTORNEY

6  
7 By:   
8 Jack H. Fields  
Deputy County Attorney

9 COPY of the foregoing mailed  
10 this 3 day of January, 2011, to:

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By: 